



**U.S. Department of Justice**

*United States Attorney  
Eastern District of Missouri*

*Violent Crime Unit*

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January 8, 2021

**VIA ELECTRONIC SERVICE**

Luke Baumstark, Esquire  
815 Geyer Ave.  
St. Louis, MO 63104

**Re: United States v. Cinque Brandon;  
4:20 CR 773 HEA (JMB)**

Dear Counsel:

In order to assist you in determining if there is a need to conduct an evidentiary hearing or trial in this matter, I am providing you with early discovery. Please be advised I may attempt to introduce any items of real evidence that were seized during the investigation, along with the statement made by your client should this matter proceed to trial.

1. **DISCOVERY** - The Government agrees to provide you with all relevant material within the purview of Federal Rule of Criminal Procedure 16. Please be advised that this material may be viewed and accessed through the USAfx File Exchange and contains the following items (Bates numbered 1-56):

- A. St. Louis Metropolitan Police Department Report CN 20-047881;  
Incident Report - 6 pages  
Lab Case #20-006935, Report #1, 4 (and notes), 7 and NIBIN – 12 pages
- B. St. Louis Metropolitan Police Department Report CN 20-046772;  
Incident Report - 9 pages  
Additional Information – 3 pages  
Arrest Report – 7 pages  
Warrant Information – 3 pages  
Meta-Person Composite Information – 2 pages
- C. Criminal History of Cinque Brandon - 14 pages.

Pursuant to Rule 12(b)(4)(B), the Government places Defendant on notice that it may seek admission of any and all evidence referred to in the above mentioned discovery materials. The Government agrees to supplement this production of documents/items as it obtains additional discoverable information.

2. **ELECTRONIC SURVEILLANCE** - There was recorded electronic surveillance utilized during the course of the investigation.

3. **CONFIDENTIAL INFORMANTS** - The Government did not utilize

a confidential informant/source in the course of the investigation of this matter.

4. JENCKS MATERIAL - The Government agrees to make all Jencks material available no later than the Friday preceding trial, conditioned upon the defendant's agreement to produce simultaneously statements of the defendant's witnesses.

5. GRAND JURY TRANSCRIPTS - The Government agrees to produce, and make available for inspection, all Grand Jury transcripts to the extent they constitute Jencks material.

6. OTHER CRIMES EVIDENCE - The Government agrees to advise the defendant of its intention to use evidence of other crimes during its case-in-chief.

The Government agrees to make further disclosures prior to the trial of this cause. The Government's investigation is ongoing and the Government will supplement its notice related to other crimes evidence.

7. STATEMENTS OF DEFENDANTS - To the extent the Government is aware of statements made by the Defendants, they are set forth in the discovery materials provided herein. Should the Government learn of additional statements, they will be disclosed.

8. IDENTIFICATION OF DEFENDANT - To the extent there have been post-arrest identification procedures related to the charged events, they have been disclosed in the above mentioned discovery materials and the Government will continue to supplement any additional identification procedures as said information becomes available.

9. PHYSICAL EVIDENCE - The Government does possess items of physical evidence seized from the defendant. These items are referred to in the above mentioned discovery materials. These items are available for inspection upon request.

10. FAVORABLE EVIDENCE - The Government recognizes its ongoing duty, up to the time of sentencing, to comply with the dictates of F.R.Crim.P. 16, 18 U.S.C. § 3500, and Brady v. Maryland, 373 U.S. 83. The Government agrees to provide any evidence of lack of criminal intent or knowledge. At the present time, the Government does not have any evidence of lack of criminal intent or knowledge on the part of any Defendant. Currently, the Government does not possess any exonerative evidence or negative evidence that has not been previously disclosed.

11. EVIDENCE OF OTHER TRANSACTIONS - The Government will notify Defense Counsel if it intends to introduce evidence of other transactions. Here, the Government will seek to introduce evidence pursuant to Rule 404(b), as set forth in paragraph 6.

12. INFORMATION CONCERNING GOVERNMENT NEGOTIATIONS, PROMISES OF LENIENCY OR PLEA BARGAINING - At this time the Government does not have or possess any information concerning negotiation, promises of leniency or plea bargaining regarding any defendant. To the extent the Government should come into possession of such evidence, the Government will comply with its discovery obligations at the appropriate time.

13. EXPERT WITNESSES - The Government will comply with the dictates of Rule 16 and the Federal Rules of Evidence and provide notice as to any and all expert witnesses it intends to call as witnesses. The Government intends to call Criminalists Kayla Gajewski and Carly Griffith, and Firearms Examiner Daniel Claudin, with the St. Louis Metropolitan Police Department Crime Laboratory, and referred to in the reports attached hereto and to be provided. The Government expects he/she will testify to the contents of his/her reports.

If you need any further specific information regarding the above matter, or any other matters, that will prevent the filing and litigation of any unnecessary pretrial motions, please do not hesitate to call me.

In order to avoid the need for filing motions pursuant to Rules 12.1(a), 16 and 26, of the Federal Rules of Criminal Procedure, the Government requests that:

A. The defendant provide the United States a written notice of the defendant's intention to offer a defense of alibi, stating the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi;

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph, books, papers, documents, photographs, tangible objects, or copies thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial;

C. The defendant provide the United States, or permit the United States to inspect and copy or photograph, any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony;

D. The defendant provide the United States a written summary of testimony the defendant intends to use under Rules 702, 703 and 705 of the Federal Rules of Evidence as evidence at trial. This summary must describe the opinions of the witnesses, the bases and reasons therefor and the witnesses' qualifications;

E. The defendant provide to the United States all statements of any defense witness that is in their possession and that relates to the subject matter to which the witness will testify.

The Government requests that it receive the information regarding alibi requested in Section A no later than the date of the suppression hearing. The Government also requests that the defendant provide all information specified in Section E no later than noon on the Friday preceding trial to eliminate any delay in the trial of this cause.

I would appreciate a written response prior to any pretrial motion hearing to determine whether I will have to file formal requests for a court order to enforce discovery compliance. I thank you in advance for your anticipated cooperation.

Very truly yours,

SAYLER A. FLEMING  
United States Attorney

/s/ John T. Bird  
JOHN T. BIRD #37802MO  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all users.

/s/ John T. Bird  
JOHN T. BIRD, #37802MO  
Assistant United States Attorney